

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 23014 of 2007(M)

PETITIONER:

**DHANYA V.S., D/O. A.VASUDEVAN,
AGED 22, SABARIGIRI, PUNNAMOOD P.O., MAVELIKKARA.**

BY ADV. SRI.P.I.DAVIS

RESPONDENTS:

- 1. COMMISSIONER FOR ENTRANCE EXAMINATIONS,
OFFICE OF THE COMMISSIONER FOR ENTRANCE
EXAMINATIONS, THIRUVANANTHAPURAM-695 001.**
- 2. SUPERINTENDENT OF POST OFFICES,
MAVELIKKARA.**

**BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL
BY ADV. SRI.P.PARAMESWARAN NAIR ASST. S.C.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

tss

W.P.(C) NO.23014/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RECEIPT ISSUED FROM MAVELIKARA POST OFFICE.

EXT.P2:- COPY OF THE COMPLAINT SUBMITTED BY PETITIONER ON 21.7.07 BEFORE 1ST RESPONDENT.

EXT.P3:- COPY OF THE COMPLAINT SUBMITTED BY PETITIONER BEFORE 2ND RESPONDENT DT. 21.7.07.

EXT.P4:- COPY OF THE CERTIFICATE DT. 24.7.07 ISSUED BY THE POST OFFICE, MAVELIKARA.

EXT.P5:- COPY OF THE MEMO ISSUED BY THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE COMMUNITY CERTIFICATE DT. 18.5.07 ISSUED BY THE VILLAGE OFFICER, THEKKEKARA.

EXT.P7:- COPY OF THE INCOME CERTIFICATE ISSUED BY VILLAGE OFFICER.

/TRUE COPY/

P.S. TO JUDGE

tss

ANTONY DOMINIC, J.

= = = = =
W.P.(C) No. 23014 OF 2007 M
= = = = =

Dated this the 8th October, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to permit the petitioner to appear for the B.Ed Entrance Examination. According to the petitioner, though she had applied well in time as per Exts. P1 and P2, she was not called for the Entrance Examination for the reason that the application was not received by the respondents.

2. At the stage of admission of this writ petition, this Court had passed an interim order dated 26-7-2007 directing the 1st respondent to permit the petitioner to provisionally appear for the Entrance Examination scheduled to be held on 29-7-2007 subject to further orders from this Court. The 2nd respondent was also directed to find out whether the petitioner's application form has been delivered and if so, on what date. In pursuance to the interim order the petitioner wrote the examination and it is now informed that she has been included in the rank list.

3. Ext. P5 is the memo issued by the 1st respondent informing her of the marks secured in the Entrance Examination. It is the petitioner's specific contention that on the basis of the result declared as per Ext. P5 she has been included in the rank list published for admission to B.Ed. Course as well. She also submits that she is eligible for reservation being of Hindu-Ezhava community.

4. The Standing Counsel for the 2nd respondent submits that the information sought for by this Court in the aforesaid order could not be gathered so far and seeks further time. On the other hand counsel for the petitioner submits that a rank list was already prepared and admissions are now going on. Therefore, delay in this matter would prejudicially affect her future.

5. On the basis of the interim order passed by this Court on 26-7-2007 the petitioner has appeared in the examination and has successfully come out of it, and is included in the rank list. In view of this it is only fair that she is allowed to enjoy the fruits thereof. That apart, if she has actually sent the

application which got misplaced for no fault of her's, the petitioner cannot be penalised for the same. In view of all these, I am of the view that her participation in the Entrance Examination held on 29-7-2007 should be regularised and she should be treated as an eligible candidate for admission. She will be eligible for all benefits on that basis and would be also entitled for allotment to any college depending upon her eligibility. For that purpose, if any of the respondents require her to complete any procedural formalities or produce any document evidencing her qualifications it will be open to them to do so.

The writ petition is disposed of as above.

**ANTONY DOMINIC
JUDGE**

jan/-